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Report of the Secretary-General on the United Nations Mission for Justice Support in Haiti

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 2350 (2017), by which the Council decided to close the United Nations Stabilization Mission in Haiti (MINUSTAH) by 15 October 2017; established the United Nations Mission for Justice Support in Haiti (MINUJUSTH) for an initial period of six months, from 16 October 2017; and, requested that I report to the Council on the implementation of the initial mandate of MINUJUSTH, 30 days before its expiration, setting out a well-developed and clearly benchmarked projected two-year exit strategy to a non-peacekeeping United Nations presence to continue supporting the efforts of the Government of Haiti in sustaining peace and peacebuilding. It covers major developments that have occurred since the issuance of my final report on MINUSTAH (S/2017/840).

II. Major developments

A. Political situation and related developments

2. Throughout his first year in office, the President of Haiti, Jovenel Moïse, took steps towards implementing his reform agenda to foster sustainable development. The comfortable majority of the ruling political party, Parti haïtien tèt kale, and its allies in both chambers of Parliament should have been conducive to progress on the passage of key legislation; however, certain items that were on the 2017 legislative agenda that are directly relevant to the mandate of MINUJUSTH, such as the draft Criminal Code, the draft Code of Criminal Procedure and the draft law on legal aid, have yet to be reviewed by both chambers of Parliament.

3. The deadline of 10 November 2017 for the selection of nominees by the three branches of power for the long-awaited establishment of a Permanent Electoral Council was not met. However, during the reporting period, the special commission on constitutional amendments of the lower chamber continued to hold consultations with a broad cross section of national sectors, including the diaspora, and intends to complete the first draft of its report by 29 March.

4. During the reporting period, the Government of Haiti took further steps towards the reconstitution of the Armed Forces of Haiti. On 16 and 17 November 2017, two presidential orders were published establishing the structure of an interim command

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of the force and appointing former army Colonel, Jodel Lesage, interim Commander-in-Chief. On 13 March, President Moïse appointed six former army officers as the interim command, who will work on strengthening the military engineering corps and establishing and operationalizing both a military aviation and a medical corps. Addressing concerns over the lack of an agreed legislative framework for the process, President Moïse announced the inclusion of draft legislation on the re-establishment of the armed forces in the 2018 legislative agenda.

5. On 30 November, the Government announced the first disbursement of $8.78 million in compliance with the law on the formation, functioning and financing of political parties of 2014. On 22 January, the Government delivered payments to 4 of the 58 political parties deemed eligible. Opposition political parties rejected the financing, which they qualified as a form of corruption at a time of a backlog of salary arrears owed to civil servants.

6. Throughout the period, President Moïse emphasized the importance of strengthening the fight against corruption in his administration. Amid allegations of the embezzlement of approximately $320,000 in the Ministry of the Interior and Local Governance, an anti-fraud operation was conducted on 31 October 2017, leading to the arrest of the Administrator and the Chief Accountant of the Ministry. An investigation was opened into the contract for the electrification of a town in the North-East Department, and warrants were issued against two former Ministers on allegations of mishandling of public funds. The Ministry of Education and Vocational Training recovered some $1.1 million and the Haitian National Police recovered $700,000 in fraudulent pay cheques. On 5 and 8 December, respectively, civil society organizations and the Catholic Church held anti-corruption marches in Port-au-Prince.

7. A draft report by the Senate special investigative commission into the management of the Petrocaribe fund, presented to the Senate for adoption on 10 November 2017, caused tension between parliamentarians, the Government and civil society. According to the report, between September 2008 and September 2016, the management of $1.57 billion of the Petrocaribe fund, which is generated by the Haitian State under a preferential oil price programme with the Bolivarian Republic of Venezuela, was marked by possible acts of malfeasance. On 29 January a private citizen, represented by a lawyer, filed the first of eight cases at the court of first instance in Port-au-Prince against the management of the Petrocaribe fund. On 1 February, a majority Senate vote adopted a resolution requesting a thorough audit on the management of the Petrocaribe fund by the Superior Court of Audits and Administrative Disputes, thus transferring responsibility to this oversight body.

8. On 8 January, in his first annual state of the nation address at the opening of the first ordinary session of the 2018 legislative year, President Moïse stressed the need for self-reliance and outlined the following policy priorities: the adoption of a new joint legislative agenda to focus on laws stimulating investment; the strengthening and modernizing of the justice sector; the enhancing of social services; the completion of the 2017 legislative agenda; the establishment of key institutions, in particular, the Permanent Electoral Council and the Constitutional Council; the promotion of political dialogue with all key national sectors through the "États généraux sectoriels" initiative to determine and define a negotiated programme towards sustainable development over 25 years; and the review of the country's development aid cooperation mechanism with the international community, aimed at shifting from external assistance to external investment.

9. On 1 January, President Moïse assumed the Chair of the Caribbean Community. On 26–27 February, Haiti hosted the 29th Intersessional Meeting of the Conference of Heads of Government of the Caribbean Community in Port-au-Prince. The Heads

of Government agreed to create an intraregional task force to examine and suggest innovative regional solutions to combat the rise in crime and violence in the region. President Moïse also announced the organization of an international conference on the strengthening of the mechanisms of resilience to the effects of climate change and the management of natural disasters in the Caribbean.

B. Security developments

10. Violent crime statistics continued to improve in line with a general decrease in homicides observed over the last three years. According to data received from the national police, between 16 October 2017 and 7 February 2018, 217 homicides were reported, compared with 396 over the same period in 2016/17. The Port-au-Prince metropolitan area continued to be the most affected by crime.

11. Similarly, statistics on rape and other sexual and gender-based violence indicated a 68 per cent decrease in such crimes compared with the same period in 2016/17. However, cases of sexual and gender-based violence remain widely underreported owing to, inter alia, social stigma. The prevalence of lynching decreased, with 17 incidents registered in the reporting period, down from 31 in the same period in 2016/17, while kidnapping statistics remained unchanged, with 13 incidents reported over the last four months.

12. The graduation of 1,022 cadets, including 125 women, on 18 December 2017 improved the police officer per citizen ratio to 1.36 per thousand inhabitants. This development, combined with the implementation by the national police of awareness campaigns, could have contributed to the decline in crime. Violence against police personnel also decreased noticeably over the same four-month period, which saw the death of 6 and the wounding of 8 police officers compared with 10 killed and 10 wounded over the same period in 2016/17.

13. Civil unrest decreased by 63 per cent between 6 October 2017 and 23 February 2018, with 177 protests registered compared with 477 during the same period in 2016/17. The most significant demonstrations were those protesting the national budget and deteriorating socioeconomic conditions, led by a coalition of opposition parties during the months of October and November 2017. The largest proportion, 46 per cent, of the demonstrations was recorded in the Port-au-Prince metropolitan area, followed by 11 per cent in the North Department. The majority of the 177 protests were non-violent, with demonstrators numbering in the low hundreds, and only two exceeded 1,000 demonstrators.

14. The Mission's police component continued to provide operational support to the national police by participating in 376 joint temporary checkpoints, 648 foot patrols, 1,497 vehicle patrols, 7 joint police operations, and 8 crowd control operations related to protests in Port-au-Prince.

15. The Peacebuilding Fund has approved a new $3 million conflict prevention and social cohesion project that the United Nations Development Programme (UNDP), the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) and the International Organization for Migration will begin implementing in Jérémie. The project aims to strengthen the role of youth as change agents and peacebuilders, pursuant to Security Council resolution 2250 (2015), by facilitating the enhanced participation of young women and men in community affairs and peaceful conflict resolution to reduce levels of violence against women and among youths and strengthen the social contract in the municipality.

C. Economic situation

16. Along with the improved supply of foreign currency following the inauguration of the new President, the gourde appreciated against the dollar during the second quarter of 2017, before stabilizing at the end of the year. However, inflation remained in double digits, standing at 13.3 per cent in December 2017. On the fiscal front, revenue collection increased, whereas expenditure remained under control through the use of cash management. As a result, the overall fiscal deficit including grants stood at 2.1 per cent of gross domestic product (GDP), driven mostly by subsidies to the State-owned electricity utility. For the first quarter of 2018, however, public expenditure outpaced revenue collection, prompting a rise in monetary financing and depreciation pressures on the gourde.

D. Humanitarian situation

17. Some 16 months after Hurricane Matthew, 1 million people are still in need of humanitarian assistance. Deportations and spontaneous returns of Haitians from the Dominican Republic and neighbouring countries are expected to increase, likely overwhelming the Government's response capacity. The cumulative number of migrants deported or spontaneously returning from the Dominican Republic increased by 45 per cent, from 158,800 in December 2016 to 230,300 in October 2017. Regrettably, funding constraints have reduced the capacity of the International Organization for Migration to collect data on cross-border movements, which will have a negative impact on the ability of the United Nations to monitor deportations. The United Nations Children's Fund and partners provided assistance to 1,109 unaccompanied children, including 361 girls in need of reunification and reinsertion support. Of these children, 31 per cent were reportedly deported by security services, while 38 per cent were identified at unofficial border crossing points. Both circumstances increase exposure to the risks of trafficking and exploitation.

18. The fight against cholera continues. Since the peak of the outbreak in 2010, significant gains have been achieved: weekly transmission has been reduced by over 99 per cent, with deaths dropping by over 99.5 percent, and more than $680 million has been mobilized by the international community. Thirty-one Member States responded positively to my invitation in July 2017 to voluntarily waive the return of the 2015–2016 unencumbered balances and credits from MINUSTAH to support the new United Nations approach to cholera, turning over $3.3 million out of a total of $40.5 million. An additional $4.4 million was given in fresh contributions to the United Nations Haiti Cholera Response Multi-Partner Trust Fund, resulting in a total of $7.7 million in support of cholera efforts.

19. On 11 January, in close coordination with the Government of Haiti, the Humanitarian Country Team in Haiti launched the revised Humanitarian Response Plan for 2017–2018. Humanitarian challenges in Haiti remain directly related to longer-term development constraints, as highlighted by the Deputy Secretary-General, Amina J. Mohammed, following her visit to Haiti from 3 to 5 November, together with the Special Envoy for Haiti, Josette Sheeran. On 7 December 2017, the Minister of Planning and External Cooperation and the Deputy Special Representative, together with the Heads of the United Nations country team in Haiti, signed the joint workplans under the United Nations Development Assistance Framework 2017–2021. The workplans cover the period from October 2017 to December 2018 and include the country team activities relating to the five outcomes of the Framework, namely poverty reduction and employment; access to basic social services; protection and gender equality; resilience; and governance. The outcomes identify the Sustainable Development Goals to be addressed in each pillar. The joint

workplans were prepared by the outcome groups and national counterparts and validated through a national consultation held on 31 October. In addition, a mainstreaming, acceleration and policy support mission was conducted from 28 January to 3 February, aimed at informing the existing draft national road map on the Sustainable Development Goals, including the selection of priority Goals. The mission also helped to strengthen the humanitarian-development nexus and ascertain that disaster-preparedness work and humanitarian interventions are reflected in the process.

III. Mandate implementation

A. Police development

20. With the graduation of the 1,022 cadets of the 28th class, the national police increased its overall strength to 15,298, of whom 9.18 per cent are women. The selection process for the 29th class was completed, with 750 successful applicants, including 215 women (28 per cent), and training began on 18 February.

21. The MINUJUSTH police component, in close consultation with the national police, established the mentoring and advisory programme, which aims at transferring essential skills to the middle and senior leadership of the national police. Countrywide initiatives were supported by MINUJUSTH to build the capacities of the national police in strategic and operational planning, criminal intelligence, investigations, organized crime, crime scene management, recruitment, training, gender mainstreaming, crowd control, information technology, communications, logistics and infrastructure maintenance. Efforts were also made to increase response capacity in investigating and preventing sexual and gender-based violence incidents through a training of trainers, courses in child interviewing and the management of crime scenes. In addition, the Mission conducted a seminar on sexual and gender-based violence for national police investigators and judges. In December, the Director-General of the national police approved measures to refurbish the premises of the Sexual Crimes Unit and assign 10 new investigators.

22. From 24 to 27 October 2017, the General Inspectorate of the national police organized inspection missions to the Nippes Department and the North Department from 8 to 11 January 2018. MINUJUSTH police personnel stationed in the General Inspectorate provided mentorship at 46 police stations in the planning and conducting of inspection missions and in the preparation of after-action reports.

23. The Land Border Directorate of the national police, quartered in a former United Nations facility in Morne Cassé in the North-East Department, was inaugurated on 27 December 2017. One hundred and fifty freshly graduated police officers, including 10 women, were assigned to the Directorate, which is expected to boost the security presence along the 388-kilometre border with the Dominican Republic. In October 2017, a new General Intelligence Directorate was created. As part of supporting the priority actions of the five-year plan of the national police, MINUJUSTH supported the drafting of the legal framework and regular follow-up on the implementation of activities of these two Directorates.

24. Nine new construction and renovation projects were completed, three of which were financed through quick-impact projects, five through the joint rule of law programme 2016/17, including the provision of equipment to four police facilities in the Artibonite Department, and one by an international donor. The procurement of specialized equipment and training was financed through the joint rule of law programme to enhance the criminal investigation capacity of eight departmental sections of the judicial police and the scientific and technical police. More than 100

national police investigators received training in interrogation techniques, search and seizures, crime scene management and skills for interviewing victims and witnesses of kidnapping, human trafficking and sexual and gender-based violence.

B. Justice

25. Progress in the justice sector has been hampered by intermittent strikes by the union of court clerks and by magistrates. The protests led to several weeks of paralysis in the judicial system and to the suspension of the hearings planned under the "Themis" programme of the Ministry of Justice and Public Security, aimed at addressing prolonged pretrial detention. The signing of two memorandums of understanding by the Ministry of Justice and Public Security, one with the Superior Council of the Judiciary on 20 October and the other with court clerks on 3 November 2017, led to the suspension of the strikes and the slow resumption of judicial activities. President Moïse established an ad hoc committee on 17 January to remedy multiple technical and financial deficiencies constraining the proper functioning and independence of the judiciary. However, on 22 and 23 January, strikes again paralysed courts in Cap Haïtien and Port-au-Prince, two of the country's three largest jurisdictions. On 22 February, the lower chamber passed a draft law on legal aid, which the Senate is to harmonize with language adopted by the two parliamentary chambers. The new law will, in particular, help to address the high rates of prolonged pretrial detention.

26. A "penal chain committee", bringing together all rule of law actors to tackle prolonged pretrial detention, held its first coordination meeting in January in the model jurisdiction of Port-au-Prince, where MINUJUSTH focuses its capacity-building support to ensure successful results. Initiatives leading to improvements could become models for other jurisdictions throughout Haiti. Plans are being finalized to address the situation of 3,770 defendants in pretrial detention at the National Penitentiary, which will include two legal aid projects financed by MINUJUSTH and implemented by the Port-au-Prince Bar Association. The handling of incoming case files by the prosecutor of the Port-au-Prince tribunal, through the use of a real-time case file management system, dropped from 60 per cent in the previous reporting period to 48 per cent owing to intermittent strikes by justice sector workers.

27. On 6 November, the first class of court clerks, comprising 40 law graduates, 8 of whom were women, began training at the school of magistrates. MINUJUSTH assisted the inaugural class through the delivery of courses on the management of incriminating evidence and legal archiving. On 17 November, the Superior Council of the Judiciary published the first results of the vetting of magistrates since it was created in 2012 and the Technical Vetting Commission was established in 2014. An administrative inquiry determined that 35 magistrates met the standards governing the profession, while 7 were recommended for dismissal due to misconduct. In December, President Moïse appointed 50 new judges on the basis of the recommendations of the Superior Council of the Judiciary, although he expressed some reservations on the soundness of a number of the recommendations. MINUJUSTH held extensive discussions with the Superior Council of the Judiciary to determine its needs and has been working closely with the Technical Vetting Commission to provide a tailored programme of assistance. This includes technical support for the validation of the vetting mechanism, as well as logistic assistance for field travel during investigations and the provision of office supplies.

28. To help improve working conditions and access to justice in the Port-au-Prince model jurisdiction, MINUJUSTH is financing the construction of the justice of the peace tribunal of the Ministry of Justice and Public Security in Gressier. Preparations

are also under way for the reconstruction of the justice of the peace tribunal of the Southern District of Port-au-Prince. Both tribunals were destroyed during the 2010 earthquake and have since been temporarily seated in prefabricated buildings.

29. On 8 February, MINUJUSTH and UNDP signed a memorandum of understanding to contribute to the funding of a draft joint rule of law programme 2017–2021, with $2,286,025 in assessed contributions under the current fiscal year. The draft joint rule of law programme will be aligned with the benchmarked exit strategy and is part of a multi-year resource mobilization strategy for the transition.

C. Corrections

30. Prison overcrowding continues to raise serious human rights concerns. As of 22 February, Haitian prisons held 11,859 detainees, including 424 women, and 282 male and 20 female juveniles. Of those detainees, 75 per cent were awaiting trial, a 1 per cent increase since the issuance of my last report on MINUSTAH. While the number of deaths in prison has decreased, an occupancy rate of approximately 356 per cent, 23 hours of daily confinement, poor hygiene, poor sanitation and inadequate medical services continue to characterize the extremely harsh detention conditions.

31. The Directorate of Prison Administration and MINUJUSTH adopted a joint workplan aimed at improving detention conditions and modernizing the prison system in order to meet international human rights standards. The Directorate, with MINUJUSTH support, completed a draft penitentiary law, which is expected to be reviewed by Parliament in the current legislative calendar. Under the draft law, the Directorate of Prison Administration would be elevated to a central directorate within the national police, with authority over its own operational budget and human resources. MINUJUSTH also supported the drafting and launching on 10 November of the medical road map of the Directorate for improved inmate health care.

32. The Mission continued to work with the Directorate of Prison Administration to provide targeted support for the implementation of related provisions in the strategic development plan of the national police for 2017–2021, in the areas of capacity-building, improvement in detention conditions and the reintegration of detainees upon their release. On 5 December, MINUJUSTH officially handed over equipment to record and manage data acquired through the joint rule of law programme for 2016/17, which will standardize detainee files, a valuable tool to protect prisoner rights, strengthen transparency and accountability and address prolonged pretrial detention.

33. Since December, MINUJUSTH has deployed 38 Government-provided corrections personnel. Of those personnel, 23 were deployed to nine priority prisons, identified jointly with the Directorate of Prison Administration, which receive targeted support towards their certification as operating in accordance with minimum international standards without the need for international support. The remaining 15 provide strategic advice to the senior leadership of the Directorate of Prison Administration.

D. Human rights

34. Two major incidents involving human rights violations by the national police confirmed the need for continued close human rights monitoring and strengthened human rights training. On 12 October 2017, a specialized police unit for departmental interventions and operations, created on 24 June 2015 outside the legal framework of the national police, conducted an unauthorized search operation at Lilavois (Croix-

des-Bouquets) after an agent from the unit was robbed and killed while returning from a bank. As a result of the search operation, three adult males were killed and nine persons were detained. Additional allegations of beatings and destruction of private property were reported. Following an administrative inquiry conducted by the Inspectorate General, three officers from the unit were temporarily placed in detention on 10 November, for investigation purposes, and later released, within the framework of the national police discipline regulations.

35. On 13 November, the national police conducted an operation in Grand-Ravine (West Department), which sought to neutralize gang activity, with support from the United Nations police, who were responsible for securing the operation's perimeter, but which resulted in grave violations against residents of the area. Unauthorized activities, beyond the scope of the operation, by national police officers resulted in the death of eight adult civilians, including two women, the serious beating of three persons and 32 arrests. In addition, one adult male was reported to have disappeared; his whereabouts remain unknown. Police investigations confirmed that human rights violations had been committed. One officer was dismissed from the police on 15 December 2017, but is still at large. The Inspectorate General conducted an internal investigation and transmitted its report to the court in Port-au-Prince on 26 December 2017. To date, no judicial measures have been taken to hold those involved accountable, despite repeated calls by MINUJUSTH for judicial investigations to bring the perpetrators to justice. MINUJUSTH is developing guidelines and standard operating procedures for the implementation of the United Nations human rights due diligence policy in relation to the support it provides to the national police. Through its police mentorship programme, and in collaboration with the leadership of the national police, MINUJUSTH will help to prevent such violations in the future.

36. On 25 October, President Moïse appointed a new national human rights Ombudsperson. In compliance with Haitian law, the outgoing Ombudsperson had continued to exercise her functions until the appointment. Haitian human rights and women's organizations have expressed concerns over the independence and integrity of the successor, evoking past accusations of gender-based violence and bias. They also complained about the lack of consultations with national civil society actors on the selection. Owing to the recent appointment, the review by the Global Alliance of National Human Rights Institutions of the full adherence of the Office of the Ombudsperson to the Paris Principles, a set of international standards that frame the work of national human rights institutions, which was initially scheduled for 2018, has been postponed to 2019.

37. Despite continued advocacy by the Office of the High Commissioner for Human Rights, no progress was registered regarding the appointment of a high-level focal point within the executive branch to coordinate action on human rights. Such an appointment could be instrumental in developing an action plan to implement recommendations by United Nations human rights mechanisms, including those made by the Independent Expert in March 2017, pursuant to the request of the Human Rights Council (see A/HRC/PRST/34/1).

38. On 21 December 2017, the Public Prosecutor of Port-au-Prince announced the release of 243 detainees, 204 of whom were released. The Prosecutor had earlier stated that the release would be conducted under the customary yearly presidential pardon. No presidential pardon was granted, and the release orders failed to document the legal grounds for the measure, raising questions about their legality. Haitian law does not grant jurisdiction to Public Prosecutors over prison releases except in cases of sentences nearing completion or dismissal orders. Many of the detainees released from the National Penitentiary had served their sentences or were being held in pretrial detention longer than the time they would have served for the petty crimes of

which they were accused. On 25 January 2018, the Minister of Justice and Public Security formally reprimanded the Public Prosecutor for having obstructed the release of detainees in his jurisdiction since September 2017 and having later ordered releases without due process. The Public Prosecutor subsequently tendered his resignation on 2 February 2018, but it was refused by the Prime Minister.

E. Mobile teams

39. As a part of the Mission's innovative community-based, political, rule of law and human rights approach, five multi-disciplinary and integrated mobile teams carried out field visits covering the 18 jurisdictions of Haiti. The teams coordinated with United Nations country team staff in the regions and met with representatives of State and non-State entities, including the national police, the Directorate of Prison Administration, political parties, labour unions, civil society and community-based organizations, including those representing women. Police stations and prisons were visited in all jurisdictions. Preliminary findings highlighted the negative influence of certain political actors on the judiciary, shortcomings in good governance and in the respect for the rule of law at all institutional levels across the country, as well as sexual and gender-based violence as a major and underreported concern. These observations and findings are being compiled into an overarching diagnostics report, which will be shared with national authorities to encourage them to take action towards strengthening rule of law institutions in the regions.

40. Mobile teams are currently facilitating the identification, implementation, monitoring, and evaluation of community violence reduction projects and quick-impact projects in order to address some of the shortcomings identified during their visits. While the latter will aim to improve infrastructure and provide equipment for police, court and prison facilities, the community violence reduction projects will address the nexus between the rule of law, human rights, justice and corrections, and foster greater coordination among local authorities, communities, other national and international actors and the media, including through public outreach and community mediation. Two community violence reduction projects for the establishment of legal aid offices in support of prison inmates were launched in Port-au-Prince. In parallel, support for marginalized communities will be strengthened from the bottom up, through the implementation of labour-intensive projects to improve access to public services, reinsertion activities for male and female detainees and the creation of income-generating activities to address the root causes of crime. The specific needs of women, children and victims of sexual and gender-based violence will be addressed throughout these projects.

IV. MINUJUSTH start-up and MINUSTAH liquidation

41. On 16 October, at the flag-raising ceremony to mark the opening of MINUJUSTH, my Deputy Special Representative and the Haitian Minister of Foreign Affairs signed the MINUJUSTH status-of-mission agreement. On 20 October, President Moïse submitted the agreement for consideration and adoption by Parliament, where it remains pending.

42. The MINUSTAH liquidation team carried out its activities up to 31 December 2017, when the remaining tasks were transferred to MINUJUSTH for completion. MINUJUSTH will complete the liquidation by 30 June 2018, in particular the finalization of the consolidation of camps and the rightsizing of the support arrangements to match MINUJUSTH needs. MINUJUSTH has already progressively absorbed many liquidation activities, in particular regarding finance and asset

management. In addition, MINUJUSTH is involved in the separation of all MINUSTAH staff members, the management of archives, the negotiation of camp closures and the organization of commercial sales of written-off assets.

43. Plans to outsource some 19 services have not proceeded at the anticipated pace owing to significant staffing shortages. Nevertheless, in coordination with the Global Service Centre in Brindisi, Italy, the scope of work for the provision of custodial services, the operation and maintenance of power generators and water and wastewater treatment systems, and various transport services has been completed and expression of interest notices have been published, with a focus on soliciting local providers. The services of one B1900D passenger aircraft, operating mainly between Port-au-Prince and Santo Domingo, have been terminated. On medical services, agreements with three certified local level II facilities have been put in place, and level III services are referred to a facility in Santo Domingo.

V. Benchmarks for an exit strategy and transition

44. As requested in Security Council resolution 2350 (2017), 11 benchmarks for an exit strategy to transition to a non-peacekeeping United Nations presence in the country have been identified (see annex I). Key elements were discussed and articulated by the senior management of MINUJUSTH and the country team, aiming at aligning Mission initiatives with relevant elements of the United Nations Development Assistance Framework 2017–2021, developed jointly by the Government of Haiti and the United Nations and signed on 30 June 2017. The benchmarks have thus been informed by efforts to make progress on the 2030 Agenda for Sustainable Development, most notably Sustainable Development Goal 16.

45. In parallel to internal United Nations consultations, over the past three months MINUJUSTH has introduced the concept of a benchmarked exit strategy to a number of Haitian interlocutors, including in the Government, the Parliament, judicial institutions, the national police and civil society organizations. The purpose of the ongoing consultations is to reflect in the benchmarks a joint vision with local institutions on common objectives, encourage the identification of Haitian-led priorities and foster close cooperation with the Mission to achieve progress on these objectives and priorities over the two-year period. The benchmarks were also discussed with bilateral and multilateral partners.

46. During the visit to Haiti of the Assistant Secretary-General for Peacekeeping Operations, Bintou Keita, on 5–9 February 2018, President Moïse agreed on the need to take advantage of the opportunity presented by the presence and capacities of MINUJUSTH during the two-year time frame and to redouble efforts to achieve common objectives, including through the preparation of a benchmarked exit strategy for the Mission. These views were reflected in a joint press release issued by President Moïse and the Assistant Secretary-General at the end of her visit. MINUJUSTH will continue to work closely with the Government of Haiti and institutions in ensuring a closer convergence with Haitian priorities, as well as encouraging the Government's sustained commitment and cooperation in achieving the benchmarks.

47. These 11 carefully designed benchmarks envisage the outcome of the work of the Haitian institutions, with the support of MINUJUSTH, on justice, corrections, police development and human rights within the coming two years. All Mission activities supporting the Government of Haiti to reinforce the rule of law institutions are being geared towards the achievement of the benchmarks. These include capacity-building for the justice sector, the national police and the Directorate of Prison Administration, strengthening of internal oversight and accountability mechanisms, and activities promoting an independent national human rights office and the ability

of civil society organizations to effectively seek redress for human rights violations. Future planning for a staggered withdrawal of the formed police units will be linked to progress against related benchmarks. In line with resolution 1325 (2000) on women and peace and security, gender elements are mainstreamed throughout the benchmarks.

48. Collectively, the benchmarks describe a desired end state for the situation in Haiti in the last quarter of 2019, allowing for a smooth transition to a non-peacekeeping United Nations presence. A key element of the desired end state is the strengthening of the population's trust in the rule of law institutions, so that they continue supporting positive reform and progress in related sectors, including through their elected representatives. The benchmarks also acknowledge the interrelationship in Haiti between politics, rule of law, security and development and hence the links between progress in the core areas of the Mission's mandate and other key preconditions for stability in the country, including the fight against corruption, socioeconomic development and the holding of fair and democratic elections, expected in 2019.

49. To accompany the benchmarks, the Mission is finalizing a political strategy, aimed at addressing political challenges to achieve progress in the rule of law and creating momentum for systemic change. The political strategy will capitalize on the strengths of the mobile teams in reaching out to the Haitian population and institutions in all areas of the country and establishing direct links and dialogue with their elected representatives in Parliament to leverage their desire for reform in the rule of law, as well as on the good offices role of my Special Representative vis-à-vis the institutions at the central level.

50. In terms of the next steps, the Mission will seek to establish a mechanism to monitor progress against the benchmarks, in close cooperation with the Government of Haiti, which would set the timeline and jointly agreed indicators as operational components of the exit strategy. In addition, building on the benchmarked exit strategy and the discussions with the Government on the 2030 Agenda, MINUJUSTH and the United Nations country team will assess their preparedness for the upcoming transition, including through a capacity assessment of the country team against the programmatic aspects of the Mission's mandate, informed by gender and women, peace and security perspectives.

VI. Conduct and discipline

51. MINUJUSTH put in place, as a priority, a three-pronged conduct and discipline strategy for all categories of United Nations personnel. The Mission pursued its prevention activities, including training, public information and outreach, to sensitize the Haitian population to United Nations standards of conduct, in particular the zero-tolerance policy on sexual exploitation and abuse, complemented by remedial action through assistance to victims. The Chief of the Human Rights Service of MINUJUSTH and Representative in Haiti of the Office of the United Nations High Commissioner for Human Rights was provisionally appointed Field Victims' Rights Advocate for the United Nations in the country, pending the appointment of a dedicated staff member to the role. Thirty-one cases, including one paternity claim, were handed over from MINUSTAH to MINUJUSTH.

VII. Financial aspects

52. The General Assembly, by its resolution 72/260 of 24 December 2017, appropriated the amount of $88.1 million for the maintenance of the Mission for the

period from 16 October 2017 to 30 June 2018. As of 26 February 2018, unpaid assessed contributions to the Special Account for MINUJUSTH amounted to $74.5 million. Reimbursement of formed police costs has been made for the period up to 31 October 2017 in accordance with the quarterly payment schedule.

VIII. Observations

53. The start of operations of MINUJUSTH provides an opportunity for a reinvigorated partnership with Haiti. The establishment of MINUJUSTH reflects the commitment of the United Nations to support the consolidation of previous gains and peacebuilding goals, creating space for the promotion of longer-term stability and sustainable development in Haiti, through the support for government efforts to strengthen the rule of law. I reiterate the message that the Deputy Secretary-General, Amina J. Mohammed, conveyed during her visit to Haiti in November: the United Nations stands in full solidarity with the people and the Government of Haiti. I look forward to concrete results emerging from this partnership, through the joint implementation, by the Government and people of Haiti on the one hand, and MINUJUSTH and the country team on the other, of common priorities based on Security Council resolution 2350 (2017) and the 2030 Agenda for Sustainable Development.

54. I would like to express my appreciation to the Government of Haiti and national institutions for having acknowledged the fundamentals of the benchmarked exit strategy, which is designed to help address some of the key rule of law and associated challenges besetting the country. I encourage MINUJUSTH and its partners to continue to consult extensively with the Government of Haiti to ensure a closer convergence of views and priorities and to establish a joint programme of work that will provide a road map for collaboration and joint action. A strong partnership with and a resolute commitment by the Haitian counterparts, with the support of international partners, are indispensable to ensure that adequate progress will be made within the two-year time frame foreseen in Security Council resolution 2350 (2017).

55. I call on the Security Council to continue encouraging the Government and national institutions to take full advantage of the expertise and capacities of MINUJUSTH in producing concrete results towards the benchmarks, setting the stage for a smooth exit of peacekeeping from the country. My future reports on MINUJUSTH will be focused on presenting to the Council progress achieved in the related benchmarks, as well as risks and challenges found in the implementation process.

56. I look forward to seeing key legislation adopted during the 2018 legislative year, including the draft Criminal Code and Code of Criminal Procedure, so critical to buttressing the rule of law and moving the country's security, political and development agenda forward. The recent vote by the lower chamber on the draft legal aid law can be used to create positive momentum to finally provide inmates with greater access to legal counsel and reduce the high rates of prolonged pretrial detention.

57. I welcome the discussions that President Moïse has initiated with Parliament on the elaboration of a joint legislative agenda for 2018, and encourage all relevant actors to fully engage in these efforts to achieve the long-awaited positive impact on the justice system. In this regard, the establishment of a Permanent Electoral Council and Constitutional Council, as well as the completion of the appointments to the Supreme Court would send a strong message of progress towards a self-sustaining rule of law framework.

58. Mindful of the human rights violations resulting from prolonged pretrial detention and its impact on the overall functioning of the judicial system, I encourage the Government of Haiti to extend the penal chain committee initiative created at the court of first instance in Port-au-Prince to the other 17 courts of first instance in the country. This strategy to fight against prolonged pretrial detention aims to strengthen coordination among actors in the penal chain, and consequently, the functioning of the judicial system.

59. The controversy surrounding the appointment of the new national human rights Ombudsperson in October and the lack of progress on the appointment of a senior government focal point to chair the Interministerial Committee on Human Rights responsible for the development of a national action plan on human rights indicate the need for continued international support in this critical area.

60. While I welcome the steady decline in violent crime throughout the country, I remain concerned about human rights violations allegedly committed by the national police and regret the lives lost and the suffering caused in relation to the police operations in Lilavois and Grand-Ravine, which tarnish the image of the force and diminish other notable achievements. I welcome the internal investigations conducted into these events and call on the Haitian authorities to ensure that those found responsible for such harm are brought to justice. Further action is needed to support the General Inspectorate of the national police in efficiently carrying out its oversight functions to ensure the application of the code of conduct and legal framework of the national police. In that regard, and for the broader ongoing professionalization of the national police, the MINUJUSTH mentoring and advisory programme is critical, and I stress the need for police-contributing countries to provide the Mission with the appropriate human resources, including in terms of expertise and gender representation, to ensure that it delivers.

61. The progress achieved in professionalizing the national police must be sustained. Shortfalls in the budget to meet its needs, identified in the strategic development plan for 2017–2021, stand to jeopardize the achievements so far attained. The Government will need to increase its efforts to ensure the continued strengthening of police capacities. Similarly, action is still awaited to elevate the Directorate of Prison Administration into a central-level body with the authority to manage its own budget and human resources. I reiterate my call to the national authorities to avert the risk that the re-establishment of the armed forces draw resources and personnel away from the national police, thus leaving the country with two partially structured and inadequately funded public security forces.

62. The progress achieved by Haiti in recent years in the areas of stability and security should now be accompanied by additional gains across all rule of law sectors. A strong political commitment and concrete strategies and actions from the Government towards strengthening the rule of law institutions, ending impunity and preventing corruption are required. Popular demand for the rule of law can be linked to the initiatives of President Moïse on the "États généraux sectoriels" and the "Caravane du changement". MINUJUSTH will work with government officials, civil society organizations and community leaders through the good offices of my Special Representative and the mobile teams to propose a new way of dialogue, debate and negotiation to ensure that rule of law institutions remain accountable and mechanisms that promote equality before the law are strengthened, while also tailoring interventions and investing in community-based activities that can have a greater impact on the rule of law in Haiti, beyond the Mission's two-year mandate.

63. I want to express my deep gratitude to all the countries that have provided financial contributions, including through the United Nations Haiti Cholera Response Multi-Partner Trust Fund, to support the new approach to cholera, and I further

encourage other Member States to come forward with contributions and continue supporting the path that Haiti is taking towards long-term stability and sustainable development. I welcome the decision by the Government of Haiti to revise the medium-term national plan for the elimination of cholera, aimed at reducing transmission rates to zero. The revision of the plan, or its replacement by a more forward-looking multi-year plan, is imperative to reach zero transmission and attack the root causes of the epidemic. I stress the need to bolster our partnership with the Government of Haiti and reinforce State institutions to take the practical steps necessary to end the cholera outbreak, including through public-private partnerships. I am grateful to the Special Envoy for Haiti for mobilizing some of the world's most committed private sector innovators in finance, health and technology to stand with the Government and people of Haiti to defeat the scourge of cholera and explore game-changing ways of partnering and deploying new technologies. I look forward to hosting a high-level retreat on the transformation of Haiti alongside the Government of Haiti, with participation from high-level experts on impact bonds, specialists in financing for development, partnership leaders, health experts and leaders in the technology field, who will come together to support the launch of a potential development impact bond or other instrument to raise the funds necessary to end cholera in Haiti and channel the momentum on this front towards the country's bold overall development agenda.

64. The Under-Secretary-General for Peacekeeping Operations, Jean-Pierre Lacroix, visited Haiti on 14–15 March to underscore my intention to strengthen the partnership between the Government and people of Haiti and the United Nations, based on solidarity, mutual respect and trust. President Moïse and the Under-Secretary-General also discussed the need to work together to prepare the transition to a non-peacekeeping United Nations presence in Haiti, in accordance with Security Council resolution 2350 (2017).

65. I recommend that the Security Council extend the mandate of MINUJUSTH to reflect the timeline defined by the benchmarked exit strategy. During that period, I will continue to keep the structure of the Mission under constant review and will revert to the Security Council with my recommendations for a staggered withdrawal based on the results achieved against the benchmarks and the situation on the ground.

66. In conclusion, I would like to thank my Special Envoy, Josette Sheeran, my Special Representative, Susan Page, and their teams, who are working to build a new spirit of partnership with Haiti to strengthen the rule of law institutions as a foundation for the country's continued development. I would also like to express my deep appreciation to the Member States who have contributed police personnel to MINUJUSTH, as well as to the United Nations country team and other international partners for their steadfast support to Haiti as it strives to achieve the Goals of the 2030 Agenda.

Annex I

Benchmarks for an exit strategy

Desired end state

By the end of the mandate of the United Nations Mission for Justice Support in Haiti (MINUJUSTH), a solid foundation for longer-term political stability, security and development in Haiti has been established. It is underpinned by nationally driven initiatives designed to set the country on the path to achieving the Sustainable Development Goals of the 2030 Agenda for Sustainable Development, in particular Goal 16, including adequate national budgetary allocations and proactive steps to address corruption in State institutions.

The country's rule of law and security institutions — justice, corrections and police — are able to demonstrate increased professionalism, in particular in their administrative management capacities, as well as in the ability and willingness to cooperate to ensure a fully functioning criminal justice system, and increasingly comply with international human rights standards, supported by functioning accountability mechanisms. The independent performance of oversight functions by the national human rights institutions and civil society organizations is able to help Haiti to advance towards the fulfilment of its human rights obligations. Women and men across the country express reasonable levels of confidence in the ability of the rule of law and security institutions to provide security for all Haitians, impartial access to justice and improved prison conditions, without substantial international political engagement and operational support. These achievements pave the way for the transition to a non-peacekeeping United Nations presence in Haiti.

Benchmarks

1. The executive and legislative branches have promulgated legislation that improves access to justice, enhances the development of the Haitian National Police and addresses prolonged pretrial detention, which is a cause of prison overcrowding; all branches have initiated implementation of the new legislation, including through sustainable budget allocations.

2. The Haitian authorities make timely, gender-balanced and merit-based appointments in the justice sector, including in the Superior Council of the Judiciary, the Court of Cassation and the Superior Court of Audits and Administrative Disputes.

3. The Directorate of Prison Administration performs key management functions providing basic services to all detainees and ensures respect for their rights.

4. The national police responds to public disorder and manages security threats throughout Haiti, demonstrating elevated levels of professionalism, human rights awareness and gender sensitivity, without requiring international support, as a result of the implementation of the relevant priorities of the strategic development plan of the national police for 2017–2021.

5. Strengthened internal oversight and accountability mechanisms in the justice, corrections and police sectors address misconduct and ensure increased effectiveness and compliance with human rights.

6. Haitian women and men, in particular those from the most vulnerable and marginalized communities, demonstrate increased trust in the capability and willingness of the justice system to address crime and of the national police to provide security.

7. The national Office of the Ombudsperson functions independently and protects citizens whose rights have been violated.

8. Civil society organizations, including those representing women, engage with the Haitian authorities to advocate the promotion and protection of human rights, and are empowered to bring allegations of human rights violations to the competent judicial or administrative authorities.

9. National authorities comply with international human rights obligations, including holding individuals responsible for current and past human rights violations and fulfilling their reporting obligations to human rights treaty bodies.

10. Rule of law and anti-corruption institutions demonstrate increased capacity to fight corruption.

11. The Permanent Electoral Council is established through a credible and transparent process and exercises its electoral responsibilities in an independent and transparent manner, without requiring international support.

Annex II

Composition and strength of the police as at 15 February 2018

	United Nations police officers		*Formed police units*	
Country	*Women*	*Men*	*Women*	*Men*
Argentina	1	5	–	–
Benin	–	12	–	–
Bangladesh	–	8	–	140
Burkina Faso	1	7	–	–
Brazil	–	1	–	–
Canada	5	14	–	–
Chad	–	2	–	–
Chile	1	2	–	–
Cameroon	1	3	–	–
Colombia	–	6	–	–
Djibouti	–	2	–	–
El Salvador	–	5	–	–
France	–	2	–	–
Germany	1	1	–	–
Guinea	–	2	–	–
India	–	–	–	279
Indonesia	1	2	–	–
Jordan	–	6	–	140
Madagascar	1	8	–	–
Mali	2	28	–	–
Nepal	–	1	13	127
Niger	1	13	–	–
Nigeria	1	1	–	–
Norway	1	5	–	–
Pakistan	–	1	–	–
Portugal	–	1	–	–
Romania	–	5	–	–
Russian Federation	1	3	–	–
Rwanda	–	–	21	119
Senegal	–	3	17	122
Slovakia	–	2	–	–
Spain	–	1	–	–
Sri Lanka	–	1	–	–
Sweden	4	2	–	–
Togo	6	5	–	–
Tunisia	–	8	–	–

Country	*United Nations police officers*		*Formed police units*	
	Women	*Men*	*Women*	*Men*
Turkey	–	14	–	–
United States of America	–	3	–	–
Uruguay	–	2	–	–
Subtotal	**28**	**187**	**51**	**927**
Total		**215**		**978**
Grand total				**1 193**

Annex III

Map